

GAUNTLETT & ASSOCIATES

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Attorneys for Plaintiffs
LOPEZ TAX SERVICE, INC., CARLOS C.
LOPEZ, KRISTEENA S. LOPEZ, and LATINO
TAX PROFESSIONALS ASSOCIATION, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

LOPEZ TAX SERVICE, INC., a California
corporation, CARLOS C. LOPEZ, an
individual, KRISTEENA S. LOPEZ, an
individual, and LATINO TAX
PROFESSIONALS ASSOCIATION, LLC,
a California limited liability company,

Plaintiffs,

vs.

THE INCOME TAX SCHOOL, INC., a
Virginia corporation,

Defendant.

) Case No. CV12-0654-JSW

) Hon. Jeffrey S. White

) **STIPULATION AND ~~PROPOSED~~**
) **ORDER TO CONTINUE HEARING OF**
) **PLAINTIFFS' MOTION TO DISMISS AND**
) **OF CASE MANAGEMENT CONFERENCE**

1 Plaintiffs Lopez Tax Service, Inc., Carlos C. Lopez, Kristeena S. Lopez and Latino Tax
2 Professionals Association, LLC (collectively "Plaintiffs"), on one hand, and Defendant The Income
3 Tax School, Inc. ("Defendant"), on the other hand, by and through their respective counsel, hereby
4 stipulate and agree to the following subject to the approval of the Court.

5 WHEREAS, in this lawsuit (by Plaintiffs for declaratory relief about Defendant's alleged
6 copyrights and related torts) Defendant has filed a motion [Docket No. 8] to dismiss this lawsuit or
7 to stay it or transfer it to the Eastern District of Virginia (where Defendant's lawsuit for copyright
8 infringement and related torts against Plaintiffs herein (the "*Virginia* action") is now pending); and

9 WHEREAS, by Notice of Electronic Filing entered August 1, 2012, the Court (Hon. Jeffrey
10 S. White, U.S. District Judge, presiding) set the hearing of Defendant's motion to dismiss to take
11 place on September 7, 2012 at 9:00 a.m.; and

12 WHEREAS, by order entered July 2, 2012 [Docket No. 16] the Court set this lawsuit's Case
13 Management Conference to take place on September 7, 2012 at 1:30 p.m.; and

14 WHEREAS, on July 13, 2012 Plaintiffs' motion to dismiss the *Virginia* action (on the
15 grounds of lack of personal jurisdiction of the Eastern District of Virginia over Plaintiffs and related
16 inadequate service of process) was heard; and

17 WHEREAS, the Court has not yet ruled on Plaintiffs' Motion to Dismiss the *Virginia* Action
18 and it cannot be determined with certainty when that Court will rule; and

19 WHEREAS, the outcome of the *Virginia* action Motion to Dismiss by Plaintiffs herein may
20 well affect this Court's ruling on Defendants' Motion to Dismiss herein (because, e.g., if the
21 *Virginia* action Court rules that the Eastern District of Virginia lacks personal jurisdiction over
22 Plaintiffs herein then it would be improper to transfer this lawsuit to Virginia as Defendant herein
23 requests); and

24 WHEREAS, judicial and party economy would both be furthered by continuing the hearing
25 of Defendants' Motion to Dismiss and this lawsuit's Case Management Conference because: (1) a
26 continuance will provide more time for the Eastern District of Virginia to rule on the motion to
27 dismiss the *Virginia* action; and (2) the effort and expense of preparing for the Case Management
28 Conference should be deferred until it is determined with greater certainty whether or not this

lawsuit is likely to be dismissed or transferred to Virginia; and

WHEREAS, no previous requests to continue either the hearing of Defendants' motion where the Case Management Conference had been sought or granted; and

WHEREAS, the time modifications requested herein would continue the ultimate resolution of this lawsuit by not more than seven weeks (the amounts of the continuance requested herein).

NOW THEREFORE, subject to the approval of the Court the parties stipulate and agree that:

1. The hearing of Defendant's Motion to Dismiss this lawsuit shall be continued from September 7, 2012 at 9:00 a.m. in Courtroom 11 to October 19, 2012 at the same time and place.

2. The Case Management Conference for this lawsuit shall be continued from September 7, 2012 at 1:30 p.m. in Courtroom 11 to October 19, 2012 at the same time and place.

Dated: August_6, 2012

GAUNTLETT & ASSOCIATES

By: /s/ Andrew M. Sussman

David A. Gauntlett

James A. Lowe

Andrew M. Sussman

Attorneys for Plaintiffs

LOPEZ TAX SERVICE, INC., CARLOS C.

LOPEZ, KRISTEENA S. LOPEZ, and LATINO

TAX PROFESSIONALS ASSOCIATION, LLC

Dated: August 6, 2012

Nicholas Ranallo, Attorney at Law

By: /s/ Nicholas Ranallo

Nicholas Ranallo

Christopher E. Gatewood [*Pro Hac Vice Pending*]

THRESHOLD COUNSEL, PC

The hearing on the pending motion to dismiss and the case management conference are HEREBY CONTINUED to October 26, 2012 at 9:00 a.m.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: August 7, 2012


UNITED STATES DISTRICT JUDGE